

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD CHERWALK,

Plaintiff,

v.

Case No. 15-12796

ASSET ACCEPTANCE, LLC, and
LAW OFFICES OF MICHAEL R. STILLMAN
d/b/a STILLMAN LAW OFFICE,

HON. AVERN COHN

Defendants.

**ORDER GRANTING DEFENDANT'S MOTION FOR DISQUALIFICATION OF
DEFENSE COUNSEL (DOC. 26) AND STAYING THE CASE**

A.

This is a Fair Debt Collection Practices Act, 15 U.S.C. § 1692e, et seq. (FDCPA), and Michigan Regulation of Collection Practices Act, M.C.L. § 445.251, et seq. (RCPA), case. Plaintiff Richard Cherwalk (Cherwalk) is suing Defendant Law Offices of Michael B. Stillman d/b/a Stillman Law Office (Stillman)¹ seeking statutory and actual damages sustained for repeated violations of both the FDCPA and RCPA during Stillman's pursuit of a state debt collection claim filed beyond the statute of limitations. (Doc. 1). Stillman is currently represented by Monica Hunt, a Stillman attorney who signed and verified court papers in the underlying debt collection case.

Now before the Court are three individual, but related, motions:

- (1) Cherwalk's Motion for Disqualification of Defense Counsel (Doc. 26);
 - (2) Stillman's Motion to Quash Notice of Deposition of Monica Hunt (Doc. 22);
- and

¹ On January 11, 2016, Defendant Asset Acceptance, LLC was dismissed with prejudice pursuant to Fed. R. Civ. P. 41(a). (Doc. 25).

(3) Cherwalk's Motion to Compel Requests for Production of Documents and Deposition of Monica Hunt and Mimi Kalish. (Doc. 28).

B.

On March 7, 2016, the Court held a hearing on the motions. For the reasons stated on the record and pursuant to M.R.P.C. 3.7², 1.7³, and 1.10⁴:

(1) Cherwalk's Motion for Disqualification of Defense Counsel (Doc. 26) is GRANTED;

(2) Stillman's Motion to Quash Notice of Deposition of Monica Hunt (Doc. 22) is STAYED;

(3) Cherwalk's Motion to Compel Requests for Production of Documents and Deposition of Monica Hunt and Mimi Kalish (Doc. 28) is STAYED.

Proceedings are STAYED for twenty-one days to enable Stillman to get legal representation.

SO ORDERED.

s/Avern Cohn

AVERN COHN

UNITED STATES DISTRICT JUDGE

Dated: March 10, 2016
Detroit, Michigan

² M.R.P.C. 3.7(a): A lawyer shall not act as an advocate at a trial in which the lawyer is likely to be a necessary witness except where: (1) the testimony relates to an uncontested issue; (2) the testimony relates to the nature and value of legal services rendered in the case; or (3) disqualification of the lawyer would work substantial hardship on the client.

³ M.R.P.C. 1.7(b): A lawyer shall not represent a client if the representation of that client may be materially limited by the lawyer's responsibilities to another client or to a third person, or by the lawyer's own interests unless: (1) the lawyer reasonably believes the representation will not be adversely affected; and (2) the client consents after consultation.

⁴ M.R.P.C. 1.10(a): While lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rules 1.7...